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FEB 17 1995

February 17, 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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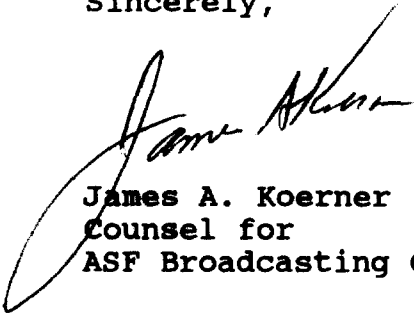
Re: MM Docket No. 93-107

Dear Mr. Caton:

On behalf of ASF Broadcasting Corporation, there are transmitted herewith an original and eleven (11) copies of its Opposition to the Motion for Leave to File Comments filed by Ohio Radio Associates, Inc.

Should additional information be necessary in connection with this matter, please communicate with this office.

Sincerely,


James A. Koerner
Counsel for
ASF Broadcasting Corporation

JAK/ah
Enclosure

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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FEB 17 1995

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In re Applications of)	MM Docket No. 93-107
DAVID A. RINGER, <u>et al.</u>)	File No. BPH-91123OMA
For Construction Permit)	through
Channel 280A)	File No. BPH-911231MC
Westerville, Ohio)	

To: The Review Board

**OPPOSITION TO MOTION FOR LEAVE
TO FILE COMMENTS**

ASF Broadcasting Corporation ("ASF"), by its attorneys, hereby opposes the "Motion for Leave to File Comments" filed by Ohio Radio Associates, Inc. ("ORA"). In response thereto, the following is submitted:

The ORA Motion is simply one more in a long line of failed attempts to have some of the applicants in this proceeding, including ASF, dismissed for alleged technical violations. Every previous attempt has met with failure.

On July 19, 1994, ASF filed an amendment specifying a new transmitter site because the previously-specified site had become unavailable. The engineering statement attached to that amendment acknowledged the short spacing to Stations WTTF-FM, Tiffin, Ohio and WPAY-FM, Portsmouth, Ohio. In accordance with the Commission's Rules, a directional antenna was specified so that appropriate contour protection could be given to these two stations. The Commission's Mass Media Bureau, on July 28, 1994 filed Comments in which it was

represented that the Bureau's engineering staff had reviewed the technical proposal of ASF's amendment and determined that it complied with the Commission's Rules.

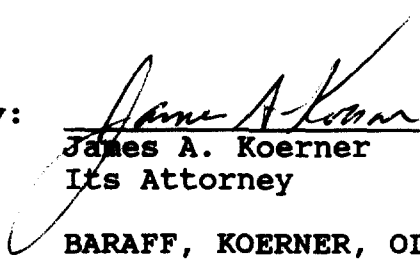
Once again, as it has in the past, ORA fails to believe that applicants may take advantage of Section 73.215 of the Rules to provide contour protection in lieu of a fully spaced site. The Audio Services Division, in the Hearing Designation Order, denied ORA's attempt. The presiding Administrative Law Judge denied ORA's attempt. Now the same issue is before the Review Board. The Review Board is quite capable of interpreting the Commission's Rules without ORA's proffering inapposite cases.

ORA's Motion for Leave to File Comments should be dismissed.

Respectfully submitted,

ASF BROADCASTING CORPORATION

By:


James A. Koerner
Its Attorney

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CERTIFICATE OF SERVICE

I, Alexander G. Hillery, II, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P.C., do hereby certify that copies of the foregoing "OPPOSITION TO MOTION FOR LEAVE TO FILE COMMENTS" were sent this 17th day of February, 1995, via first class mail, postage prepaid to the following:

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